Remarks

Applicants have cancelled claims 1-107 without prejudice and reserve the right to pursue the subject matter of the cancelled claims in a related application. Applicants have added new claims 108-130 to more particularly point out and distinctly claim that which Applicants regard as the invention. In particular, the new claims relate to the murine monoclonal antibodies produced by hybridomas 1D5, 2E1, 2H9, 2D11 and 1F2, chimeric and humanized forms of these murine monoclonal antibodies and antibiodies and antigen-binding fragments thereof that complete for binding to FcγRIIB, as determined by ELISA, with one of the aforelisted monoclonal antibodies and methods of treating an IgE-mediated allergic disorder by administering such antibodies. The claims are fully supported in the specification in, for example, paragraphs 57, 62, 145, 154, 156-158, 165, 166, 186, 202, and 286-288. Accordingly, the amendments do not include any new matter.

Applicants have also amended paragraph 125 of the specification to recite the ATCC accession numbers and date of deposit for hybridomas 1D5, 2E1, 2H9, 2D11 and 1F2. As such, the amendment does not present new matter.

Applicants respectfully request entry of these amendments. After entry of the amendments, claims 108-130 will be pending.

Elections/Restrictions

The Examiner has alleged that the application contains the following inventions or groups of inventions and has required Applicants to elect a single invention:

I. Claims 1-21, 23, 27-32, 34, 36-43, 81-90, and 104-107, drawn to an antibody or fragment thereof that binds FcγRIIB with greater affinity than human native FcγRIIA, classified in Class 530, subclass 387.9.

II. Claims 22 and 24-26, drawn to a bispecific antibody comprising a first heavy chain-light chain pair that specifically binds FcγRIIB, and a second heavy chain-

light chain pair that specifically recognizes a tumor antigen, classified in Class 530, subclass 387.3.

III. Claims 33, 35, and 91-92, drawn to a method of producing a monoclonal antibody specific for FcγRIIB by immunizing FcγRIIA transgenic mice with purified FcγRIIB, classified in Class 436, subclass 547.

IV. Claims 44-50, drawn to an isolated nucleic acid comprising a nucleotide sequence encoding a heavy chain or a light chain of the antibody or fragment, vectors, host cells and the method of producing the antibody or fragment thereof that binds FcγRIIB with greater affinity than human native FcγRIIA recombinantly, classified in Class 435, subclass 69.6; Class 536, subclass 23.5; Class 435, subclasses 252.3 and 320.1.

V. Claims 51-59, and 93-103, drawn to a method of treating cancer comprising administering a first antibody or fragment that specifically binds FcγRIIB, and a second cytotoxic antibody that specifically binds cancer antigen, classified in Class 424, subclass 133.1.

VI. Claims 60-64, drawn to a pharmaceutical composition comprising an antibody or fragment thereof that specifically binds FcγRIIB, a cytotoxic antibody and a carrier, classified in Class 424, subclass 130.1.

VII. Claims 65-72, drawn to method of treating an autoimmune disorder comprising administering an antibody or fragment, classified in Class 424, subclass 130.1.

VIII. Claims 73-76, drawn to a method of treating or preventing an IgE-mediated allergic disorder with an antibody or fragment thereof that binds FcγRIIB with greater affinity than human native FcγRIIA, classified in Class 424, subclass 130.1

IX. Claims 77 and 80, drawn to a method of enhancing cytotoxic effect or immune response using an antibody or fragment thereof that binds FcγRIIB with greater affinity than human native FcγRIIA, classified in Class 424, subclass 130.1.

X. Claims 78 and 79, drawn to a method of diagnosis of an autoimmune disease with an antibody or fragment thereof that binds FcγRIIB with greater affinity than human native FcγRIIA classified in Class 435, subclass 7.1.

The Examiner also alleges that the application contains claims directed to more than one species of the generic invention, as set forth below:

If any one of the Groups I and V-IX is elected, Applicants are required to elect:

(a) a specific antibody produced by a specific clone; and

(b) whether the antibody is (A) NOT conjugated, or (B) conjugated to one specific cytotoxin.

In addition, if any one of the Groups I and V-IX is elected, Applicants are further required to elect:

(a) a specific antibody produced by a specific clone; and

(b) whether the antibody (i) does NOT comprise modification in the Fc region, OR (ii) comprises modification in specific amino acid positions in the Fc region.

In addition to all of the species elections above, if any one of the Groups I and V-IX is selected, Applicants are further required to elect an antibody or fragment thereof, wherein the antibody:

(a) agonizes at least one activity of FcγRIIB, OR

(b) antagonizes at least one activity of FcγRIIB.

If Group II is elected, Applicants are required to elect one bispecific antibody comprising a first heavy chain-light chain pair that specifically binds FcγRIIB, and a second heavy chain-light chain pair that specifically binds to one specific tumor antigen.

In addition, if Group V is elected, Applicants are further required to elect a method:

A) without additional therapy, OR

B) without specific additional cancer therapy; and, applicant is required to elect a method of treating with:

i) one specific second antibody: AND

ii) one particular cancer.

If Group VI is elected, Applicants are further required to elect a method of treating one specific autoimmune disorder by administering an antibody:

A) without further administering other agents,

B) with further administering one or more specific anti-inflammatory agent, OR

C) with further administering one or more specific immuno modulatory agents.

If Group VII is elected, Applicants are further required to elect a method of treating or preventing one specific Iy-E- mediated allergic disorder.

Applicants elect to prosecute Group I drawn to an antibody that binds FcγRIIB with greater affinity than human native FcγRIIA. Although Applicants have cancelled all of claims 1-107, applicants submit that new claims 108-124, which recite murine monoclonal antibodies produced by one of clones 1D5, 2E1, 2H9, 2D11 and 1F2, humanized and chimeric forms thereof and antibodies that compete for binding to FcγRIIB therewith, as well as pharmaceutical compositions comprising these antibodies, fall within the subject matter of the claims of Group I. Applicants have added claims 125-130 drawn to a method of treating or preventing an IgE-mediated allergic disorder so that they can be rejoined to the composition claims once those have been found allowable.

With respect to the species election, applicants elect as a species, the antibody produced by clone 1F2, that is NOT conjugated, does NOT comprise a modification in the Fc

region, and that ANTAGONIZES at least one activity of FcγRIIB. Applicants believe that claims 108-111, 116-118, 123, and 124 read on the elected species.

Applicants submit that the election of Group I renders the species elections with respect to Groups II, V, VI, and VII moot.

Applicants fully reserve the right to prosecute the subject matter of the non-elected inventions in one or more related applications. In addition, Applicants retain the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

CONCLUSION

Entry of the amendments and remarks made herein is respectfully requested. The Examiner is invited to contact the undersigned with any questions concerning the foregoing.

Respectfully submitted,

Date: January 29, 2007

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